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Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: El Salvador

1. The Committee considered the initial report of El Salvador (CRC/C/3/Add.9) at its 85th, 86th and 87th meetings (CRC/C/SR.85, 86 and 87), held on 27 and 28 September 1993, and adopted* the following concluding observations:

Introduction

2. The Committee expresses satisfaction at the State party's early ratification of the Convention and for the timely submission of its initial report. The Committee regrets, however, that substantive and factual information, particularly in reply to the list of issues that was transmitted to the Government of El Salvador well in advance of the Committee's session, could not be provided in time for the consideration of the report. In addition, the Committee notes that the Government of El Salvador had not included in the delegation anyone directly involved in the implementation of the Convention at the national level. At the same time, the Committee takes note of the commitment made by the representative of El Salvador, on behalf of his Government, to provide in writing the substantive information requested by the Committee, even during the present session.

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* At the 103rd meeting, held on 8 October 1993.

Positive aspects

3. The Committee welcomes the frank and critical approach taken by the State party in preparing the report and, in particular, the reference therein to the main difficulties encountered by the Government of El Salvador in ensuring the implementation of the Convention.

4. The Committee notes with satisfaction that public institutions have been established recently for the protection and improvement of living conditions of children. Legal measures adopted or envisaged to better protect the rights of the child, such as the new Family Code pending adoption by Parliament, also appear to be encouraging initiatives. In addition, the Committee appreciates the Government's intention to ratify International Labour Convention No. 138 and other instruments relating to the minimum age for employment.

5. The Committee welcomes the above initiatives, particularly in view of the fact that measures to protect children are necessary and urgent at the end of a long period of violence and internal conflict in El Salvador which has caused severe damage to the national economy and deeply affected its society. It hopes that the measures envisaged by the Government will be effectively translated into reality.

Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the difficult economic and social situation of El Salvador, compounded by persistent poverty and 12 years of internal conflict and violence. The Government recognizes the need for national efforts to solve many of the problems resulting from the conflict and to create guarantees for the full respect of the provisions of the Convention. The Committee hopes that the democratic institutions of the country, as well as its policy of social reconciliation, will be consolidated soon.

Principal subjects of concern

7. The Committee regrets that the Government of El Salvador has not taken due consideration of the provisions of article 4 of the Convention and that restrictions in the national budget affecting social programmes have been detrimental to the protection of the rights of children.

8. The Committee also notes the lack of coordination between public and private bodies and organizations dealing with the rights of the child.

9. The Committee expresses concern at the concept of children in "irregular situations" in Salvadorian law. Clarification is needed with regard to the criteria used to define this concept, as well as the possible applicability of penal law to such children.

10. In addition, the Committee feels that there is a need to consider seriously questions relating to the legal definition of the child, in particular the minimum age for marriage, employment, military service and

testimony before a court. It appears that these provisions do not sufficiently take into consideration the principles of the best interest of the child and non-discrimination.

11. The Committee is alarmed at the large number of children who have been abandoned, displaced or have become orphans as a result of the armed conflict, as well as those who, in order to survive, are forced to live and work in the street.

12. The Committee is also preoccupied by the widespread discriminatory attitudes towards girls and disabled children, as well as by the existence on a large scale of child abuse and violence within the family.

13. The Committee notes with concern the lack of training of professional groups working with and for children.

Suggestions and recommendations

14. The Committee recommends that in accordance with article 44, paragraph 4, of the Convention and rule 69 of its provisional rules of procedure, additional information be requested from the Government of El Salvador in order to respond to the questions and concerns expressed by the Committee during its consideration of the initial report. Such information should be submitted by the end of 1994. The Committee also suggests that El Salvador submits its "core document" (see HRI/1991/1) as referred to in paragraph 5 of the Committee's adopted guidelines concerning the initial part of State party reports to be submitted under the various international human rights instruments (CRC/C/5).

15. The Committee would also like to receive information with regard to the actual implementation of the legislation and the impact of the action planned by the Government to improve respect for the rights of children. The Government should provide, in particular, clarification on the status of the Convention in the domestic legislation of El Salvador and the possibility of invoking the provisions of the Convention directly in court.

16. In relation to the adverse impact of the internal conflict on children who live in exceptionally difficult situations, the Committee wishes to receive precise information with regard to rehabilitation programmes for affected children and the progress of such programmes, as well as statistical data with regard to displaced children within the country.

17. The Committee is also interested in being informed about the distribution of child care services in rural and urban areas and the training of relevant personnel.

18. Strategies and educational programmes along with the adequate dissemination of information should be undertaken in order to counter certain prejudices which affect children negatively, such as gender-based discrimination (known as "machismo") and discrimination against disabled children (specially in rural areas), and to enhance the participation of children, in particular within the family.

19. In the light of the discussions and taking into account the situation of children in El Salvador, the Committee recommends that urgent measures be adopted for the protection of children belonging to vulnerable groups, in particular displaced and refugee children, disabled and homeless children, as well as children subject to abuse or violence within the family. Such measures should encompass social assistance and rehabilitation programmes oriented towards those groups of children and be undertaken, with the cooperation and support of the relevant United Nation agencies and international organizations, in the spirit of article 45 (b) of the Convention.

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Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Sudan

1. The Committee began consideration of the initial report of the Sudan (CRC/C/3/Add.3) at its 69th, 70th and 71st meetings (CRC/C/SR. 69-71), held on 26 and 27 January 1993. In view of the complexity of the situation and the problems facing children in the Sudan, the Committee decided to continue its consideration of the initial report of Sudan at its next (fourth) session, to be held from 20 September to 8 October 1993. To assist it in the continuation of its dialogue with the State party, the Committee requested the Government of the Sudan to provide it with additional information, in accordance with rule 69 of its provisional rules of procedure and article 44, paragraph 4, of the Convention, relating in particular to the areas of concern identified by the Committee in its preliminary observations (CRC/C/15/Add.6). The additional information submitted by the State party is contained in document CRC/C/3/Add.20.

2. The Committee, having continued its consideration of the initial report of the Sudan and having examined the additional information at its 89th and 90th meetings (CRC/C/SR.89-90), held on 29 September 1993, adopted* the following concluding observations:

* At the 103rd meeting, held on 8 October 1993.

Introduction

3. The Committee welcomes the continuation of the dialogue with the representative of the Government of the Sudan. It notes the efforts undertaken thus far by the Government to follow up on the concerns raised previously by the Committee as regards the seriousness of the situation of children in that country.

Positive aspects

4. The Committee notes the willingness shown by the Government of the Sudan to take into account the recommendations made by the Committee with a view to reviewing existing legislation in order to bring it into conformity with the Convention. In this regard, the Committee welcomes the State party's decision to establish a committee to review national laws pertaining to children and that its preliminary observation in the area of the abolition of the punishment of flogging has been taken into account by the reviewing committee.

5. Additionally, the Committee notes with satisfaction the initial steps taken by the State party to develop monitoring and follow-up mechanisms for the implementation of the Convention.

6. The Committee welcomes the positive steps taken recently by the Government to improve its cooperation with international intergovernmental and non-governmental organizations. The Committee notes with satisfaction the recent agreements concluded between the parties concerned with a view to improving the provision of humanitarian assistance.

7. The Committee acknowledges the contribution made by the Sudanese people in accepting and offering refuge to persons, including children, coming from neighbouring countries.

Factors and difficulties impeding the implementation of the Convention

8. The Committee recognizes that natural and man-made disasters have had a negative impact on efforts by the State party to ensure full implementation of the Convention. In this regard, the Committee notes the problems caused by civil war in the south of the Sudan and that the different groups involved in this conflict have often disregarded the best interests of the child.

9. The Committee takes note of the seriousness of the economic situation facing the Sudan and the debilitating effect this has had on the situation of children.

Principal subjects of concern

10. The Committee considers that several of the concerns it raised previously with regard to the implementation of the Convention in the State party, (see CRC/C/15/Add.6) still remain to be addressed effectively. In this regard, the Committee emphasizes that it remains very much concerned about the non-compatibility of Sudanese legislation relating to the rights of the child with the principles and provisions of the Convention.

11. The Committee is concerned at the lack of training on the rights of the child given to personnel working with children.

12. The Committee expresses its deep concern at the insufficient attention paid to the implementation of the general principles of the Convention, namely its articles 2, 3, 6 and 12 and their relationship to the implementation of all the articles in the Convention, including those relating to the civil and political rights of children.

13. The Committee notes the seriousness of the general health conditions prevailing in the Sudan and their detrimental effect on children. It expresses its serious concern at the continuance of traditional practices harmful to the health of women and children, particularly the practice of female genital mutilation. In addition, the Committee draws attention to the plight of disabled children, in view of their particular vulnerability, and the need for effective measures to improve their situation.

14. The Committee continues to be seriously alarmed at the effects of emergency situations on children, as well as at the problems faced by homeless and internally displaced children. Reports on the forced labour and slavery of children give cause for the Committee's deepest concern.

15. The Committee is of the opinion that the system of administration of juvenile justice in the Sudan is not fully compatible with articles 37, 39 and 40 of the Convention and other relevant United Nations standards.

Suggestions and recommendations

16. The Committee encourages the development of mechanisms to monitor and follow up the implementation of the Convention.

17. The Committee expresses the hope that the review of child-related laws will result in the total abolition of flogging.

18. The Committee recommends that the review of national legislation continues to take into account concerns expressed by the Committee with regard to the definition of the child and the age of criminal responsibility. In addition, the Committee suggests that the State party consider introducing enforcement measures to ensure that officials responsible for the implementation of the Convention fulfil their duties effectively.

19. The Committee also recommends that training about child rights should be provided to relevant professional groups such as judges, teachers and social workers.

20. The Committee encourages the Government to continue its cooperation with intergovernmental and non-governmental organizations with a view to improving the effectiveness of measures to alleviate the suffering of children.

21. The Committee recommends that the general principles of the Convention as expressed in its articles 2, 3, 6 and 12 guide the review of national legislation and the development of policies and strategies for ensuring the effective enjoyment by children of all their rights.

22. The Committee also recommends that further efforts be undertaken to raise awareness in order to eradicate traditional practices harmful to the health of women and children. The Committee suggests that the Government and religious and community leaders take an active role in supporting efforts to eliminate the practice of female genital mutilation.

23. The Committee further recommends that attention be given to extending the provision of primary health care and primary education in order to improve the general health and nutritional and educational status of children. In addition, the Committee recommends that future development plans should accord priority to the situation of disabled children.

24. The Committee emphasizes the need for further urgent efforts to improve the protection and promotion of the rights of internally displaced children.

25. The Committee also emphasizes the need to pay urgent and due regard to the reports of forced labour and slavery of children. The Committee believes that international cooperation, particularly technical assistance and advice, could be used to that end.

26. The Committee recommends that the system of administration of juvenile justice be reviewed in order to ensure its compatibility with articles 37, 39 and 40 of the Convention and other relevant United Nations standards.

27. The Committee expresses the hope that improvements in the implementation of the Convention will be forthcoming and appreciates the willingness of the State party to keep it regularly informed of relevant developments.